

U.S. PTO Customer No. 25280

Case# 5410

REMARKSDouble Patenting:

Claims 1-29 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21 and 42 of copending Application No. 10/071,297.

Claim 42 was cancelled in Application No. 10/071,297; however, claim 21 has been allowed. Applicants are willing to file a terminal disclaimer against Application No. 10/071,297 once all other issues of patentability have been resolved.

35 USC Section 102 / 103 Rejections:

(A) Claims 1, 3, 5, 6 and 8-29 were rejected under 35 USC Section 102(b) as being anticipated by, or in the alternative, under 35 USC Section 103(a), as obvious over Groten et al.

The Examiner submits that although Groten et al. do not explicitly teach the limitations of pilling resistance, wearer comfort, life of fabric, appearance retention, soil release, lack of staining, strength, and abrasion resistance, it is reasonable to presume that said limitations are inherent to the invention.

Applicants have amended claim 1 to include: (a) the limitation of claim 3 (that the spun-bonded continuous multi-component fibers are selected from the group consisting of polyester, nylon, and combinations thereof) and (b) the limitation of claim 11 (that the fabric further achieves a minimum soil release rating of 3.0 according to AATCC Method 130-2000 after 1

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wash cycle). As a result, Applicants respectfully submit that currently amended claim 1 is not anticipated by Groten et al. since the reference specifically fails to teach soil release durability that is maintained and/or exhibited after exposure to laundering processes, as now claimed by Applicants. Furthermore, Applicants respectfully submit that the test results in Table 1 clearly show that the fabric of Groten et al. ("Untreated") does not achieve the same soil release rating after 1 wash cycle ("0/1") when compared with the treated fabric of the current invention. Additionally, the test results shown in Table 3 also illustrate that the untreated fabric of Groten et al. ("Control") does not achieve the same abrasion resistance after laundering when compared with the treated fabric of the current invention. Thus, Applicants respectfully submit that the test results prove that the pending claims cannot be anticipated by Groten et al. Applicants further submit that the claim limitations are not inherent to the untreated fabric of Groten et al., since Applicants have proven otherwise, as shown by the test results presented in Table 1 (pilling and soil release) and Table 3 (abrasion resistance).

Accordingly, Applicants respectfully request that the rejection of claims 1, 3, 5, 6, and 8-29 be withdrawn.

35 USC Section 103 Rejections:

Claims 1, 3, 5, 6, and 8-29 were rejected under 35 USC Section 103(a) as being unpatentable over Vigo et al. in view of Groten et al.

Applicants respectfully contend that they have clearly shown, in Tables 1 and 3 of the current application, that the untreated fabric of Groten et al. fails to provide the same physical limitations of pilling resistance, soil release, and abrasion resistance as the treated fabric of the current invention. As a result, Applicants respectfully submit that the combined teachings of Vigo et al. with Groten et al. provides no reasonable expectation of success that if one were to

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apply the chemistry of Vigio et al. to the fabric of Groten et al., a treated fabric having the same physical properties as claimed by Applicants would result. As such, Applicants respectfully request that the rejection of claims 1, 3, 5, 6, and 8-29 be withdrawn.

In view of the above amendments and remarks, reconsideration of pending claims 1, 3, 5-6, and 8-29 is earnestly solicited.

Respectfully requested,

April 22, 2004


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